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I urge the passage of House Bill 5267 because children and parents both need each others' love and presence in their lives. Current Michigan divorce law makes it all too easy for a child to essentially become an orphan from one parent. HB 5267 would require that fit, able and willing parents who are involved in a custody dispute develop and implement a mutually agreed upon joint custody arrangement following the breakup of their family unit. Under the present system, it is not uncommon for children to be drawn into their divorcing parents' arguments. The unwitting or overtly negative words and actions of one parent can lead to the polarization of the children and their possible estrangement or alienation from the other parent. Involving both parents in executing a joint physical custody arrangement that involves residential stability, shared decision making and continued school routines would greatly benefit the child and substantially reduces the possibility of estrangement or alienation of that child from one of the parents.

Experiences gleaned since the 1998 breakup of my own family have convinced me that it is imperative for both parents to have the benefit of ongoing contact with their children upon their marital separation. A legal technique that's often used to disenfranchise one person from the parenting process is the Ex Parte request for sole temporary custody. The purpose of these requests is to remove the child from the care and influence of the other parent. These pleadings are commonly heard in a judge's private chambers and the other party is not even notified that a complaint has been made. They often contain highly exaggerated and unsubstantiated claims made to gain a superior legal position rather than to present clear and convincing evidence of wrongdoing. The party who is granted the Ex Parte order gains possession of the children, establishes a custodial environment and forces the other parent to fight an uphill battle just to maintain contact with his or her own children.

I was divorced in 1999 in Washtenaw County following a custody battle which had lasted over a year. It started when my former husband left our marital home, seized our 8 and 13 year old minor children who were at his mother's residence, set up housekeeping in a different city and unilaterally enrolled them in another school district. He sought and received an Ex Parte order for temporary custody. Although that order allowed for reasonable rights of visitation, it left the decision for what that meant to my husband because the judge did not give any direction in the matter. Hence, I received almost nonexistent visitation. Since the day he took charge of our children over eight years ago, they have not spent one single night in my home. The longest time I have ever been with them is five hours. The judge chose to not take input from the Friend of the Court. Instead, we went the route of psychological evaluation and parenting coordinator. The parenting provisions of our Judgment of Divorce proved to be unworkable. The judge did not ever issue any findings of fact concerning why I should not see my children

and he did not deal with the matter of visitation. He simply stated that he would not force children to see a parent if they didn't want to. It's very sad but not surprising that children who are completely isolated from one parent and totally dependant on the other for everything might adopt this position. No evidence or witness was ever brought forward to show that I was an unfit parent, a substance abuser, was violent or had done anything that should prevent me from mothering my children, but I have not seen them since the parenting coordinator resigned in early 2001. I have been blocked at every juncture and it has been a very hostile and heart-breaking situation.

If HB 5267 had been in place when I was divorced it would have required clear and convincing evidence to eliminate joint custody and my family would be much better off today. My children have been totally cut off from all relationships on both sides of their family except for their father and paternal grandmother, including their three older siblings. They have been essentially orphaned from their mother.

Arguments are often voiced that HB 5267 would be unfair to women, that it would eliminate responsibility for child support, and place domestic violence victims at risk. Yet, I am a woman whose active mothering has been totally obstructed even though my full time job was wife and mother for the 20 years prior to the day of the marital separation. I pay child support for children I have had no contact with for 5 ½ years, and I was the victim not the perpetrator of domestic violence. I have encountered several other women who have also had very negative divorce experiences.

Regretfully, the stress of this matter has been so devastating to my health and well-being that I have suffered a stroke, breast cancer and recurrent heart arrhythmias which eventually necessitated open heart surgery. I have spent \$150,000 in legal fees and have incurred additional thousands of dollars in other costs. Poor health has resulted in lost income and opportunities. All five of my children could have been educated at the finest schools with the money spent on their parents' divorce.

This tragic situation could have been averted if my husband and I had been required to mutually develop and implement a plan for how our children would be jointly raised after our divorce. Instead, it became a vicious game of keep-away. HB 5267 can prevent a tragedy like this from happening again and I urge its passage.